

HOUSE No. 3174

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to workers on certain commuter rail operations.

PETITION OF:

NAME:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO WORKERS ON CERTAIN COMMUTER RAIL OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 161 B of the General Laws is hereby amended by adding the following section:-

Section 28. When a rail line is acquired by the department of transportation or the Massachusetts Bay Transportation Authority for commuter rail purposes the department or authority shall require that any person engaged to provide transportation by railroad on that property shall:

1. Be considered a rail carrier as defined in section 10102(5) of title 49, United States Code, for purposes of this title and any other statute that adopts that definition or in which that definition applies including the Railway Labor Act (45 U.S.C. §151 et se.), the Railroad Retirement Act (45 U.S.C. §231 et se.) and the Federal Employers Liability Act (45 U.S.C. §51 et seq.), and
2. Directly provide all train operations; inspection, maintenance, renewal and rehabilitation of the line, right of way, signal system, communication system, and train dispatching system: inspection, maintenance, renewal and rehabilitation of the locomotives and rolling stock; clerical, and train dispatching functions. However, nothing in this provision will after existing collective bargaining agreement concerning contracting-out of work.
3. Enter into agreements with the unions that represent employees performing work involved with rail operations on the line and/or for operations on the line prior to acquisition of the line.
 - a. At a minimum, the agreements will provide for continued employment of those workers as railroad workers in their respective classes and crafts in accordance with their existing seniority; and their continued performance of work on and for the line, under their existing collective bargaining agreements with continued representation by their unions.
 - b. The agreements will be entered before the commencement of work for commuter/passenger rail operations; deadlocks in negotiations will be resolved by arbitration. Such agreements will remain in effect until changes

28 in accordance with the procedures of the Railway Labor Act, 45 U.S.C. §151
29 et seq.

- 30 c. When the person engaged to provide transportation by railroad already has an
31 existing collective bargaining agreement with a union that represents
32 employees working on/or for operations of the line prior to the acquisition, an
33 agreement between that person and the union to extend that collective
34 bargaining agreement to work on/or for operations on the acquired line will
35 satisfy this provision.

36 4. In the event of any planned change of operator or operations that will adversely affect railroad
37 workers. There will be advance notice of the change, negotiations, and, if necessary, arbitration
38 of protective arrangements for employees consistent with what is required by the 1974 13(c)
39 agreement between MBTA and the Railway Labor Executives' Association as amended and
40 supplemented.